

111TH CONGRESS
1ST SESSION

H. R. 4367

To alter requirements relating to recommendations for funding by the Federal Transit Administration of fixed guideway projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. ELLISON (for himself and Mr. DEFAZIO) introduced the following bill;
which was referred to the Committee on Transportation and Infrastructure

A BILL

To alter requirements relating to recommendations for funding by the Federal Transit Administration of fixed guideway projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transportation Equity
5 Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) According to the National Surface Trans-
9 portation Policy and Revenue Study Commission,
10 approximately 80 percent of the population of the

1 United States lives in metropolitan areas, with over
2 60 percent of the population living in areas with at
3 least 1,000,000 individuals.

4 (2) Over 85 percent of the critical transpor-
5 tation infrastructure of the United States is in met-
6 ropolitan areas.

7 (3) Metropolitan areas are most often com-
8 prised of several counties, cities, suburbs, and towns
9 with commuting ties to an urban core.

10 (4) According to the United States census, al-
11 most 50 percent of the 100 largest cities in the
12 United States have predominantly minority popu-
13 lations, while suburbs are comprised of predomi-
14 nately Caucasian populations.

15 (5) Throughout the United States, public trans-
16 portation users are disproportionately minorities
17 with low to moderate incomes. Overall, public transit
18 users are 45 percent Caucasian, 31 percent African-
19 American, and 18 percent Latino.

20 (6) In urban areas, African-Americans and
21 Latinos comprise 54 percent of public transportation
22 users, including 62 percent of bus users, 35 percent
23 of subway users, and 29 percent of commuter rail
24 users.

1 (7) Just 7 percent of Caucasian households do
2 not own a car, while 24 percent of African-American
3 households, 17 percent of Latino households, and 13
4 percent of Asian-American households do not own a
5 car.

6 (8) Public transit provides affordable transpor-
7 tation choices and has the demonstrated ability to
8 reduce out-of-pocket housing and transportation ex-
9 penses for a household with access to transportation
10 choices within .5 miles of the household.

11 (9) The main criteria used by the Federal
12 Transit Administration to make determinations with
13 respect to providing Federal New Starts funding for
14 a public transit project, known as the cost-effective-
15 ness index, has major limitations, including limita-
16 tions that negatively impact the ability of transit
17 projects serving minorities in urban areas to effec-
18 tively compete for funding.

19 (10) The primary calculation of the cost-effec-
20 tiveness index attempts to quantify the dollar value
21 of a single benefit to users of Federal New Starts
22 projects, travel time saved compared to a baseline
23 project, while ignoring other important benefits.

24 (11) The cost-effectiveness index relies solely on
25 travel demand models oriented toward highway com-

1 muter trips. The models fail to accurately capture
2 transit ridership by non-commuters and by individ-
3 uals making non-highway oriented trips, including
4 trips made by pedestrians and cyclists. Because mi-
5 nority, low-income, and urban residents make up a
6 larger share of non-commuter and non-highway ori-
7 ented trips, the cost-effectiveness index undercounts
8 these individuals and places a reduced value on the
9 time saved by the non-highway and non-commuter
10 trips of these individuals.

11 (12) The bias against urban transit users has
12 caused some minority communities to file lawsuits
13 against the Federal Transit Administration.

14 (13) The Federal Transit Administration
15 should end its reliance on the cost-effectiveness
16 index because of the disproportionate negative im-
17 pact of the index on minority and urban commu-
18 nities.

19 **SEC. 3. ADJUSTMENTS.**

20 The adjustments made in the Federal Transit Ad-
21 ministrator's Dear Colleague letter of April 29, 2005, to
22 require a "medium" for the cost-effectiveness rating, in
23 order for fixed guideway projects to be recommended for
24 funding by the Federal Transit Administration, shall not

- 1 apply to any project evaluated under subsection (d) or (e)
- 2 of section 5309 of title 49, United States Code.

